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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,896	02/13/2001	Dan Kikinis	007287.00045	3324
22907 7590 02/04/2009 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
RAMAN, USHA				
ART UNIT		PAPER NUMBER		
2424				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/782,896

## Applicant(s)

KIKINIS, DAN

## Examiner

USHA RAMAN

## Art Unit

2424

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed October 9<sup>th</sup>, 2008 have been fully considered but they are not persuasive.

Applicant argues (see Remarks, page 7) that, "Ficco does not teach or suggest looking up a matching 3-D object from an image library, wherein the 3-D object is used to generate a 3-D highlighted rendering of a 2-D image in an advertisement included in a 2-D video broadcast" and that, "Ficco does not teach or suggest selection of an ad segment from memory to *adapt* a broadcast advertisement" have been noted. However examiner respectfully disagrees. Firstly it should be noted that Ficco teaches that advertisement is "processed" in order to increase its impact on viewers. See [0007]. Such processing includes performing cosmetic changes, changing coloring, adding texture to certain objects in the advertisement, etc. An example of a processing is wherein a texture of an object may be changed to another texture map by the ad processor [0056]. Ficco discloses storing certain ad elements in memory obtained during off peak hours that maybe selected according to user preferences for use in the advertisement. Accordingly it would be within the level of one of ordinary skill in the art to obtain the large amounts of data (such as wire frames, texture maps) at off peak times [0038] and store them. Blanz further discloses of enhancing an image by generating a 3-D rendering of the 2D image, thereby matching the 2D image with its 3D object.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-8, 10-14, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco (US PG PUB: 2005/0166224) in view of Blanz et al. (US Pat. 6,556,196)

With regard to claims 1, 7, 13 and 19, Ficco discloses a method for providing enhanced advertising of a 2-D broadcast comprising:

Receiving the 2-D video broadcast including a first advertisement having a 2-D image (broadcast of programs and advertisements, see [0021]);

Identifying the 2-D image within the first advertisement, wherein the 2-D image is identified based on its characteristics and exclusively at a viewer's equipment (e.g. advertisements are identified to determine how to enhance factors in advertisement according to user preferences, see [0008], [0051], [0058], [0059]);

Looking up a matching enhancement object (such as wire frame model, texture map) for adapting the 2D image, in an image library (advertisement library [0036], advertisements are indexed for retrieval according to desired factor (see [0036])), wherein the library comprises one or more enhancement objects;

Using a look up table to identify the matching enhancement object (i.e. advertisement components are stored according to an index value, and thus

comprise a look up table to retrieve advertisement according to the index value, see [0036]).

Using the matching enhancement object to generate an enhanced first advertisement (e.g. by integrating wire frame into advertisement see [0058]).

Ficco discloses storing certain ad elements in memory that maybe selected according to user preferences for use in the advertisement. Accordingly it would be within the level of one of ordinary skill in the art to obtain texture maps at off peak times [0038].

While Ficco discloses the use of wireframe models, Ficco does not expressly state that the enhancement object comprise 3-D objects. In a similar field of endeavor, Blanz discloses a method of creating a 3D representation of a 2D image by matching a morphable object to the 2D image to create a 3D rendering of the image. See abstract, and column 3, lines 32-38. Accordingly by matching morphable object to the 2D image, Blanz teaches the step of producing the 3D representation of the image by pushing the morphable object to the 2d image, Wherein the 3D highlighted rendering comprises a portion of the original 2-D image.

It would have been obvious to one of ordinary skill in the art to modify the system of Ficco in view of Blanz by generating a 3D rendering of certain 2D objects thereby providing adapting certain features of the ad for enhancement by creating an realistic depiction of the 2D object. Ficco further discloses storing certain ad elements in memory that maybe selected according to user preferences for use in

the selective portions of advertisement [0009]. Accordingly it would be within the level of one of ordinary skill in the art to obtain texture maps at off peak times [0038]

With regard to claims 2, 8, 14, and 20 an advertisement comprises a video, wherein it is noted that video comprises a plurality 2D images .

With regard to claims 4, 10, 16 and 22, the enhanced advertisement is displayed on a television. See [0086].

With regard to claims 5, 11, 17 Blanz discloses the method of morphing a 2-D image to create a 3-D rendering of the 2D image. Accordingly the system modified in view of Blanz discloses the step of overlaying the 2-D image on the matching 3-D object.

With regard to claims 6, 12, and 18, the modified system further discloses the method of overlaying specular lighting and shading over the image (Blanz column 9, lines 10-15 and lines 40-44..

With regards to claim 21, the advertisement components are stored according to an index value and therefore comprise a look up table to retrieve the components according to the index value. See [0036].

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Tue-Fri: 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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